

REMARKS

This Amendment is submitted in response to the official action dated April 3, 2008. Claims 1-12 were pending in the application. In the official action, claims 1-12 were rejected. In this Amendment, claims 1 and 7 have been amended. Claims 1-12 thus remain for consideration.

Applicants submit that claims 1-12 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

§102 Rejections

Claims 1, 2, 7, and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Hori (U.S. Patent 5,739,850).

Claims 1-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Nakami (U.S. Patent Application Publication US 2004/0141069 A1).

Applicants submit that the independent claims (claims 1 and 7) are patentable over Hori and Nakami (collectively "the cited references").

Applicants' invention as recited in the independent claims is directed toward an image pickup apparatus and a recording method. Each of the claims recites "storing [image data] together with a photo diary application program, so as to associate the image data and [] shooting situations with the photo diary application." By storing image data and shooting situations together with a photo diary application, the invention allows the image data and shooting situations to be automatically captured by the photo diary program when the program is executed. (See e.g., Specification page 16, line 3 - page 17, line 25; and page 22, lines 6-12.)

Neither of the cited references discloses the quoted recitation. Accordingly, Applicants believe that claims 1 and 7

are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-6 and 8-12 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: September 2, 2008

Respectfully submitted,

By 
Bruno Polito

Registration No.: 38,580
LERNER, DAVID, LITTBENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants